

Planning & Zoning

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**MINUTES OF THE
CUMBERLAND COUNTY PLANNING COMMISSION
Regular Meeting
Cumberland County Courthouse
Cumberland, Virginia
May 15, 2006, 7:00 P.M.**

Present:

Patrick Smook, District 1
Keith Oulie, District 2
Bill Burger, Vice-Chair, District 3
David Brown, District 4
Roland Gilliam, District 5
Irene Speas, At-Large
Parker Wheeler, Chairman, At-Large
Bill Osl, Board of Supervisors Liaison

Also Present:

John Rick, Interim County Attorney
Catherine Kahl, Clerk of the Commission
Sandra Everson-Jones, Assistant Zoning Administrator
Sheario Harris, Code Enforcement Officer
Todd Fortune, Commonwealth Regional Council

Press:

Bill Smith, Cumberland Bulletin
Jason Norton, Farmville Herald

The meeting was called to order, the roll called, and a quorum established.

The minutes of April 17th were accepted as submitted and the minutes of April 25th were accepted with corrections in a motion by Commissioner Smook, seconded by Commissioner Gilliam, and unanimously approved.

The Public Hearing for Cumberland Plaza by Seidenfield Realty, LLC was deferred for 60 days.

The Public Hearing for the Verizon Telecommunications Tower in Cartersville was opened. The first speaker was Lloyd Martin, Fire and Rescue Chief for 45 years, who stated his support for the tower location, and urged the Planning Commission to pass the matter on to the Board of Supervisors.

Sarah Wingo stated her support for the tower and said there is no service in the area in which she lives. Her daughter was in an accident and had no way to summon help from her car because there is no reception in this area. This tower will give her, and others like her in this area of the county, access to emergency services by mobile phone.

Harvey Martin, a property owner in the area, spoke his support for the tower and stated he has spoken with all of his neighbors. His house is within 250'-300' of the tower. He collected over 120 signatures in support of the tower being located in Cartersville to fill the void of service in their area.

Phillip Thomas stated that his house is within 1500' of the tower, and he would have to live with the tower and its lights looking down at him from above. He further stated that there were not enough studies done to prove this is not a health hazard. He also was upset that he did not have enough notice from the county regarding the process, and no one came to his house to ask him if he wanted the tower or sought his signature in support of it. He stated that he did not have the option of moving, as he had come here to retire.

The Public Hearing was closed.

Jennifer Rosen gave the presentation on behalf of Verizon. She stated there was currently no reception in the Cartersville area for a six mile stretch. The tower is expected to fill the gap in cell phone service for this area. The tower is being located outside of any historical sites in a wooded area. The tower will create a net gain of 4-5 miles in broadcasting area and cover the dead spot in Cartersville. She then presented the data on the propagation study referred to in earlier PC meetings.

Comments from the Commissioners included the issue of tower lights (red lights at night and white lights during the day), and the hope this problem can be solved. Mr. Osl stated he had been working with Verizon for some time regarding transmission of emergency service signals throughout the county. This tower will solve problems in the northern area of the county. Cumberland was expected to use a band width somewhere between 265 and 285 and it was determined that language reserving this space exclusively for Cumberland County be added as Condition #5 in granting the Conditional Use Permit.

The Commissioner's comments prior to a vote included the following:

Commissioner Oulie: Questioned the specific areas covered and asks if this tower will definitely solve the problems in the designated area.

Commissioner Smook: The benefits for the county regarding the safety issues for fire and rescue outweigh other considerations.

Commissioner Speas: If this will solve a problem of 20 years duration, we should move forward.

Commissioner Gilliam: The County does need this, subject to the guidelines and conditions discussed.

Chairman Wheeler: We need to resolve the lighting-shielding issue.

Commissioner Brown: Emergency service communication improvements are sorely needed.

Commissioner Burger: The benefits are there but we need to remedy land owner complaints. We need to defer the vote or write a condition for passage that Verizon will work with FAA to shield the lights.

Ms. Kahl was asked and answered that the application meets all zoning regulations for the area.

Verizon agreed to do whatever they could to mitigate the problem of lights on the tower and shield them – within the rules and guidelines of the FAA for locating towers.

The 6th condition included in the CUP for passage as amended was worded as follows:

“Applicant will install light shielding devices permitted by the FAA to give greatest possible protection from lights and help to minimize visual impact to neighbors.”

Commissioner Oulie made a motion to add the 5th amendment, regarding exclusive rights to bandwidth location 265-285, and the 6th amendment, regarding shielding, to the CUP in order to approve it as amended.

Commissioner Gilliam seconded the motion, and passage was unanimous to send the CUP to the BOS with the additional amendments as outlined above.

Sheario Harris, Code Enforcement Officer, was introduced to the Commissioners and Mr. Osl by Ms. Kahl. Many of them were meeting her for the first time. After six months of enforcement, Ms. Harris presented to the Commission what she believes needs to be addressed to clarify code currently in existence. Her concerns centered on several issues: use of single wide trailers for storage (how is this to be monitored and the process to use - i.e. what constitutes a storage trailer versus a "regular" trailer, which could be construed as a second dwelling), junk cars, junkyards, and the definition of inoperable vehicles versus vehicle not in operating condition parked outside a garage. She also asked to specify the number of vehicles used to define a vehicle graveyard, which is not currently included in the Cumberland County Code, but is defined in both state code and other counties as part of their ordinance.

Ms. Harris stated that she has processed many complaints from citizens since she began in January, and has many more code violations on her desk from responding to citizen complaints (also finding them in the areas under investigation). She has 3 case files on her desk dealing with storage trailers, and asked for clarification from the Commissioners on what constitutes a storage trailer.

Discussion began when Commissioner Speas asked that if we allow sheds why not allow singlewide storage, if there are no public safety or health issues. Commissioner Oulie asked how much policing the county needs in this respect. Commissioner Smook asked what constitutes an eyesore. Chairman Wheeler stated in many instances citizens are complaining about eyesores in the county, and states there are too many junked and abandoned vehicles in the county.

Interim County Attorney John Rick clarified state law regarding what is considered an "eyesore." The condition to be remedied needs to be a hazard to the safety and health of citizens, rather than just an aesthetic statement on the part of the citizen complaining, and has to be a specific problem for the county. An "eyesore" is not prohibited by state law.

Commissioner Speas stated that the biggest problem is that people do not know how to get rid of junk cars. There was consensus by the Commissioners that the problem most often stemmed from the fact that people did not know where to dispose of them. Mr. Osl also brought up the fact that state law protects antique cars from being classified as junk cars. Commissioner Oulie asked Mr. Osl if perhaps the landfill could be used for disposal. Discussion continued around what the landfill could and could not accept – including not allowing junk cars.

Ms. Harris was asked what specific Cumberland County Code related to her presentation, and she provided the State or County Code for each instance under discussion.

Ms. Harris asked the Commission to establish for her the difference between an inoperable vehicle and a vehicle that is not operating in regard to businesses (garages, auto body/repair shops, etc.). She asked that the code be changed to allow three (3) inoperable vehicles to remain outside a repair establishment. Several definitions came forth, but specifically that a vehicle that has been torn apart for more than 60 days, and without an inspection sticker or current year plates, would be considered "inoperable." Discussion also brought up that in the case of garages and auto body shops, with automobiles to be worked on left outside the shops, we also have small business issues. Commissioners stated they want to encourage small businesses to flourish in Cumberland, not make it more prohibitive for them to survive here.

Ms. Harris then asked the Commission to consider putting a number to the issue of how many cars constituted an automobile graveyard. She asked them to consider, per Virginia state code, and the ordinances of other counties, setting the number to 5. John Rick stated it was easier to get a conviction in court, should it go that far, if our ordinances followed state code as written. Current state code specifies the number of cars at 5 in determining the existence of an automobile graveyard.

No action was taken at this time on the above matters and Ms. Harris thanked the Commissioners for their time. The Commissioners thanked Ms. Harris for bringing these issues to their attention, and for her work in the county. They agreed it was difficult to enforce code in cleaning up the county and they appreciated her efforts.

Todd Fortune then gave a report on the current status of the Citizen Surveys, scheduled to begin on May 22nd and 23rd from 6:00 – 9:00 p.m. at Longwood. The final tweaking was done to the survey instrument, and the scheduling confirmed for the students and PC members who are handling the phones. It was decided that 351 households would need to be contacted to achieve a 95% interval, with a margin of error presumed to be about 5%. The E911 listing to be used has over 1,000 household phone numbers to allow for non-working numbers. The training by Ms. Kahl with the school volunteers was scheduled for Monday, May 22nd, 10:00 a.m. – 12:00 noon.

Bill Smith and Jason Norton were asked – and agreed - to provide newspaper announcements in this week's editions to alert people regarding the calls on Monday and Tuesday next week. The notices were hand delivered to them at the end of the meeting by Todd Fortune.

Mr. Osl gave an update on the landfill proposal and the scheduling of an all day trip to the Brunswick facility for Planning Commission members on June 16th. Ted Neura of Allied will work out the details with Ms. Kahl and she will alert PC members of the specifics for the day. The press was invited to attend.

Commissioner Burger made a motion to adjourn to the scheduled Planning Commission meeting for Monday and Tuesday, May 22nd – 23rd for the survey calls. This was seconded by Commissioner Smook, and was unanimously approved.

Attested:

Parker Wheeler, Planning Commission Chair

Date

Catherine Kahl, Clerk of the Commission

Date